

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1413 OF 2004
IN
SECOND APPEAL NO.1113 OF 2004

Office Notes, Office Memoranda
of Coram, appearances, Court's
Orders or directions and
Registrar's Orders

Court's or Judge's Orders

Mr.Jaydeep S.Deo for applicant
Mr.Tejas Dande for respondent No.1

CORAM : P.V.KAKADE, J.
DATE : 12TH AUGUST, 2005

P.C.:

1. Heard the learned counsel for both the parties. Perused the record including the judgments of both the courts below. It appears from the record that the First Appeal was allowed and Lease Deed date 21.1.2000 executed in respect of the suit plot in favour of the present appellant was cancelled and order of perpetual injunction came to be passed against the appellant. On this factual matrix the impugned order is sought to be stayed.

2. After hearing the learned counsel for the appellant it is clear that the possession of the suit property is with the respondent society and the appellant wants to disturb the said possession in fact obtained the possession of the suit property by seeking stay of the injunction order which cannot be allowed, especially when the pending the Second Appeal, which is admitted.

. Hence in the facts and circumstances the application stands dismissed. However, it is clarified that the respondent society shall not create any third party interest or make any construction over the suit plot pending the appeal.